

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

PB LIFE AND ANNUITY CO., LTD., *et al.*,¹

Debtors in Foreign Proceedings.

Chapter 15

Case No. 20-12791 (LGB)
(Jointly Administered)

UNIVERSAL LIFE INSURANCE COMPANY,

Plaintiff,
v.

Adv. Proc. No. 21-01169

GREG E. LINDBERG, individually, CHRIS HERWIG, individually, AAPC HOLDINGS, LLC, ACADEMY FINANCIAL ASSETS, LLC, AGH PARENT, LLC, ALPINE CAPITAL, LLC, ASIM HOLDINGS, LLC, ASL HOLDINGS, LLC, ATKINSON, LLC, ATLANTIC COAST LIFE INSURANCE COMPANY, ATLAS FINANCIAL INVESTMENTS, LLC, AUGUSTA ASSET MANAGEMENT, INC., BEGONIA EIGHT, LLC, BLH CAPITAL, LLC, BLUE DAFFODIL, LLC, BLUE VIOLET, LLC, CAPITAL ASSETS FUND I, LLC, CAPITAL ASSETS FUND II, LLC, CAPITAL ASSET MANAGEMENT I, LLC, CAPITAL ASSETS MANAGEMENT II, LLC, CAPITAL ASSETS MANAGEMENT III, LLC, CARNATION THREE, LLC, CHATSWORTH ASSET MANAGEMENT, LLC, CHRYSANTHEMUM TWO, LLC, CSI INTERCO, LLC, DAHLIA TEN, LLC, DAISY SEVEN, LLC, DRUMMOND GROUP, LLC, DUNHILL HOLDINGS, LLC, ELI GLOBAL, LLC, ENGLERT HOLDINGS, LLC, EPPING, LLC, ERIE PROPERTIES, LLC, FLAGSHIP HOLDINGS, LLC, FLEET ASSIST INTERCO LIMITED, FLOWERY BRANCH, LLC, FORSYTH, LLC, FORTREX, LLC, GBIG CAPITAL, LLC, GBIG HOLDINGS, INC., GBI GROUP, LLC, GERANIUM TWO, LLC, GILFORD ASSET MANAGEMENT, LLC, GLOBAL BANKERS INSURANCE GROUP,

**PLAINTIFF'S NOTICE OF
APPEAL AND STATEMENT
OF ELECTION**

¹ PB Life and Annuity Co., Ltd., Northstar Financial Services (Bermuda) Ltd., Omnia Ltd. and PB Investment Holdings Ltd., foreign Debtors, are Bermuda limited companies which each have a registered address in Bermuda c/o Deloitte Ltd., Corner House, 20 Parliament Street, Hamilton HM 12, Bermuda, and are Jointly Administered for procedural purposes, by Order of this Court entered on April 2, 2021, [ECF # 42].

LLC, GLOBAL GROWTH HOLDINGS, INC.,
GLOBAL INSURANCE CAPITAL, LLC,
GREENFIELD CAPITAL, LLC, HAMPTON ASSET
MANAGEMENT, INC., HANSEN AEROSPACE,
LLC, HEALTHLINK HOLDINGS, LLC,
HOOKSETT, LLC, HUTCHISON LAW GROUP,
PLLC, INTEGRITY EMR HOLDINGS, LLC,
INTEGRITY EMR, LLC, IRON CITY ASSET
MANAGEMENT, INC., ITECH FUNDING, LLC,
JACKSON ASSET MANAGEMENT, INC., KITE
ASSET MANAGEMENT, INC., LILAC SIX, LLC,
MACON, LLC, MORNING MOUNTAIN
HOLDINGS, LLC, NETHERLANDS INSURANCE
HOLDINGS, INC., NEW ENGLAND CAPITAL,
LLC, NIH CAPITAL, LLC, NOM GB 2018 I, LLC,
PARADIGM PARK HOLDINGS, LLC, PARALLEL
CAPITAL ASSETS, LLC, PERSHING, LLC, RED
BEGONIA, LLC, REVOLVERCAP PARTNERS
FUND, LP, SATORI WATERS, LLC, SEDWICK,
LLC, SENTINEL SECURITY LIFE INSURANCE
COMPANY, SOMERSWORTH, LLC, STANDARD
ADVISORY SERVICES, LTD, STANDARD
FINANCIAL LIMITED, STANDARD
INVESTMENT CAPITAL, LTD, TREATMENT
RESOURCES OF MARGATE, INC., TRITON
FINANCIAL LIMITED, TUX HOLDINGS, LLC,
TYBEE ISLAND ASSET MANAGEMENT, LLC,
UKAT HOLDINGS, LLC, UKAT INVESTMENT
LIMITED, VERDESIA LIFE SCIENCES, LLC,
WEARE, LLC, YELLOW LOTUS, LLC, YELLOW
SUNFLOWER, LLC, UBS FINANCIAL SERVICES,
INC., GOLDMAN SACHS LENDING PARTNERS,
LLC, CREDIT SUISSE AG CAYMAN ISLANDS
BRANCH, GOLDMAN SACHS BANK USA,
MORGAN STANLEY SENIOR FUNDING, INC.,
THE BRYN MAWR TRUST COMPANY, and
DOES 1 through 10, inclusive

Defendants.

Part 1: Identify the appellant(s)

1. Name(s) of appellant(s):

Universal Life Insurance Company

2. Position of appellant(s) in the adversary proceeding or bankruptcy case that is the subject of this appeal:

For appeals in an adversary proceeding.

☒ Plaintiff

☐ Defendant

☐ Other (describe)

For appeals in a bankruptcy case and not in an adversary proceeding.

☐ Debtor

☐ Creditor

☐ Trustee

Part 2: Identify the subject of this appeal

1. Describe the judgment, order, or decree appealed from:

ULICO appeals from the judgment entered by the Honorable Bankruptcy Judge Lisa G. Beckerman on April 15, 2022 [ECF No. 172] which was the subject of a Motion to Alter or Amend Judgment, which was denied by the Honorable Bankruptcy Judge Lisa G. Beckerman on June 1, 2022 [ECF No. 182].

2. State the date on which the judgment, order, or decree was entered:

June 1, 2022 (Order on Motion to Alter or Amend Judgment of Dismissal)

April 15, 2022 (Order Dismissing ULICO's Adversary Proceeding)

Part 3: Identify the other parties to the appeal

List the names of all parties to the judgment, order, or decree appealed from and the names, addresses, and telephone numbers of their attorneys (attach additional pages if necessary):

1. Party: Plaintiffs: Universal Life Insurance Company

Attorneys:

Clinton E. Cameron (pro hac vice)
Meghan C. Dalton (pro hac vice)
Clyde & Co US LLP
55 W. Monroe
Suite 3000
Chicago, IL 60603
Tel: 312-635-7000
Clinton.Cameron@clydeco.us
Meghan.Dalton@clydeco.us

2. Party: Defendants

(1) Defendant Chris Herwig;

Attorneys:

Todd Allan Atkinson
Womble Bond Dickinson (US) LLP
811 Main Street
Ste 3130
Houston, TX 77002
346-998-7849

(2) Defendants Atlantic Coast Life Insurance Company and Sentinel Security Life Insurance Company;

Attorneys:

Donald R. Kirk
Luis Orengo, Jr.
Carlton Fields
4221 W. Boy Scout Blvd.
Suite 1700
Tampa, FL
813-229-4334

(3) "Lindberg Defendants" consisting of: Defendants Greg Lindberg, Academy Financial Assets, LLC, Alpine Capital, LLC, Atlas Financial Investments, LLC, Augusta Asset Management, LLC, Capital Assets Management I, LLC, Capital Assets Management II, LLC, Capital Assets Management III, LLC, CSI Interco, LLC, Eli Global, LLC, GBI Group, LLC, GBIG Capital, LLC, GBIG Holdings, LLC, Global Insurance Capital, LLC, Hampton Asset Management, LLC, Iron City Asset Management, LLC, Jackson Assets Management, LLC, Kite Asset Management, LLC, New England Capital, LLC, Parallel Capital Assets, LLC, Tybee Island Asset Management, LLC, AGH Parent, LLC, ASiM Holdings, LLC, ASL Holdings, LLC, BLH Capital, LLC, Capital Assets Fund I, LLC, Capital Assets Fund II, LLC, Chatsworth Asset Management, LLC, Drummond Group, LLC, Dunhill Holdings, LLC, Englert Holdings, LLC, Flagship Holdings, LLC, Fortrex, LLC, Gilford Asset Management, LLC, Global Growth Holdings, Inc., Greenfield Capital, LLC, Healthlink Holdings, LLC, Integrity EMR Holdings, LLC, Integrity EMR, LLC, iTech Funding, LLC, Netherlands Insurance Holdings, Inc., NIH Capital, LLC, Sedwick, LLC, Fleet Assist Interco Limited, Global Growth Holdings, Inc; Standard Advisory Service, Ltd; Standard Investment Capital, Ltd; Triton Financial Ltd; and UKAT Holdings, LLC;

Attorneys:

Jared Pace,
Aaron Tobin
Condon Tobin Sladek Thornton
8080 Park Lane
Suite 700
Dallas, TX 75231
214-265-3800

- (4) “Flowery Defendants” consisting of Defendants Atkinson, LLC, Begonia Eight, LLC, Blue Daffodil, LLC, Blue Violet, LLC, Carnation Three, LLC, Chrysanthemum Two, LLC, Dahlia Ten, LLC, Daisy Seven, LLC, Epping, LLC, Flowery Branch, LLC, Forsyth, LLC, Geranium Two, LLC, Hookset, LLC, Lilac Six, LLC, Macon, LLC, Red Begonia, LLC, Somersworth, LLC, Weare, LLC, Yellow Lotus, LLC, Hooksett, LLC; and Yellow Sunflower, LLC;

Attorneys:

Jay Hellman
Westerman Ball Ederer Miller Zucker & Sharfstein, LLP
1201 RXR Plaza
Suite 1010
Uniondale, NY 11556
516-622-9200

- (5) Defendant Hutchison PLLC; and

Attorneys:

Liam O'Brien
McCormick & O'Brien LLP
9 East 40th Street
New York, NY 10016
212-320-8972

- (6) Defendant Hansen Aerospace, LLC

Attorneys:

Jay Hellman
Westerman Ball Ederer Miller Zucker & Sharfstein, LLP
1201 RXR Plaza
Suite 1010
Uniondale, NY 11556
516-622-9200

- (7) Defendants Morning Mountain Holdings, LLC; Paradigm Park Holdings, LLC; TUX Holdings, LLC; Erie Properties, LLC

Attorneys:

Nicholas F. Kajon
Stevens & Lee, P.C.
485 Madison Avenue
20th Floor
New York, NY 10022
212-319-8500

- (8) Defendant Morgan Stanley Senior Funding, LLC

Attorneys:

Peter M. Friedman
Nicholas J Hendrix
Lauren Wagner
O'MELVENY & MYERS LLP
1625 Eye Street, NW
Washington, DC 20006
202-383-5300

- (9) Defendant Global Bankers Insurance Group, LLC n/k/a Aspida Financial Services, LLC

Attorneys:

Peter J. Haley
Nelson Mullins Riley & Scarborough LLP
One Financial Center
35th Floor
Boston, MA 02111
617-217-4714

- (10) "Unrepresented Defendants" UBS Financial Services, Inc.; Treatment Resources of Margate, Inc.; Standard Financial Limited; Satori Waters, LLC; Verdesian Life Sciences, LLC; Goldman Sachs Bank USA; Goldman Sachs Lending Partners, LLC; Credit Suisse AG Cayman Island Branch; Pershing, LLC; and The Bryn Mawr Trust Company;

Part 4: Optional election to have appeal heard by District Court (applicable only in certain districts)

If a Bankruptcy Appellate Panel is available in this judicial district, the Bankruptcy Appellate Panel will hear this appeal unless, pursuant to 28 U.S.C. § 158(c)(1), a party elects to have the appeal heard by the United States District Court. If an appellant filing this notice wishes to have the appeal heard by the United States District Court, check below. Do not check the box if the appellant wishes the Bankruptcy Appellate Panel to hear the appeal.

☒ Appellant(s) elect to have the appeal heard by the United States District Court rather than by the Bankruptcy Appellate Panel.

Dated: New York, New York
June 13, 2022

Respectfully submitted,

CLYDE & CO US LLP

/s/ Christopher Carlsen

Christopher Carlsen

Clinton E. Cameron (*pro hac vice*)

Meghan C. Dalton (*pro hac vice*)

Clyde & Co US LLP

55 W. Monroe

Suite 3000

Chicago, IL 60603

Tel: 312-635-7000

Clinton.Cameron@clydeco.us

Meghan.Dalton@clydeco.us

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

Chapter 15

PB LIFE AND ANNUITY CO., LTD., et al.,

Case No. 20-12791 (LGB)
(Jointly Administered)

Debtors in Foreign Proceedings.

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UNIVERSAL LIFE INSURANCE COMPANY,

Plaintiff,

-v-

Adv. Proc. No. 21-01169

GREG E. LINDBERG, individually, CHRIS
HERWIG, individually, AAPC HOLDINGS, LLC,
ACADEMY FINANCIAL ASSETS, LLC, AGH
PARENT, LLC, ALPINE CAPITAL, LLC, ASIM
HOLDINGS, LLC, ASL HOLDINGS, LLC,
ATKINSON, LLC, ATLANTIC COAST LIFE
INSURANCE COMPANY, ATLAS FINANCIAL
INVESTMENTS, LLC, AUGUSTA ASSET
MANAGEMENT, INC., BEGONIA EIGHT, LLC,
BLH CAPITAL, LLC, BLUE DAFFODIL, LLC,
BLUE VIOLET, LLC, CAPITAL ASSETS FUND I,
LLC, CAPITAL ASSETS FUND II, LLC, CAPITAL
ASSET MANAGEMENT I, LLC, CAPITAL
ASSETS MANAGEMENT II, LLC, CAPITAL
ASSETS MANAGEMENT III, LLC, CARNATION
THREE, LLC, CHATSWORTH ASSET
MANAGEMENT, LLC, CHRYSANTHEMUM
TWO, LLC, CSI INTERCO, LLC, DAHLIA TEN,
LLC, DAISY SEVEN, LLC, DRUMMOND GROUP,
LLC, DUNHILL HOLDINGS, LLC, ELI GLOBAL,
LLC, ENGLERT HOLDINGS, LLC, EPPING, LLC,
ERIE PROPERTIES, LLC, FLAGSHIP HOLDINGS,
LLC, FLEET ASSIST INTERCO LIMITED,
FLOWERY BRANCH, LLC, FORSYTH, LLC,
FORTREX, LLC, GBIG CAPITAL, LLC, GBIG
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LLC, SENTINEL SECURITY LIFE INSURANCE
COMPANY, SOMERSWORTH, LLC, STANDARD
ADVISORY SERVICES, LTD, STANDARD
FINANCIAL LIMITED, STANDARD
INVESTMENT CAPITAL, LTD, TREATMENT
RESOURCES OF MARGATE, INC., TRITON
FINANCIAL LIMITED, TUX HOLDINGS, LLC,
TYBEE ISLAND ASSET MANAGEMENT, LLC,
UKAT HOLDINGS, LLC, UKAT INVESTMENT
LIMITED, VERDESIA LIFE SCIENCES, LLC,
WEARE, LLC, YELLOW LOTUS, LLC, YELLOW
SUNFLOWER, LLC, UBS FINANCIAL
SERVICES,
INC., GOLDMAN SACHS LENDING PARTNERS,
LLC, CREDIT SUISSE AG CAYMAN ISLANDS
BRANCH, GOLDMAN SACHS BANK USA,
MORGAN STANLEY SENIOR FUNDING, INC.,
THE BRYN MAWR TRUST COMPANY, and
DOES 1 through 10, inclusive,

Defendants.

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**ORDER DISMISSING ADVERSARY PROCEEDING FOR LACK OF SUBJECT
MATTER JURISDICTION**

WHEREAS, on July 6, 2021, ULICO commenced this proceeding (the “Adversary Proceeding”) by filing the complaint [ECF No. 1] in the United States Bankruptcy Court for the Southern District of New York;

WHEREAS, on July 30, 2021, ULICO filed its First Amended Complaint [ECF No. 14] (the “Adversary Complaint”);

WHEREAS, on October 1, 2021, defendant Hutchison PLLC (“Hutchison”) filed a motion to dismiss the Adversary Complaint [ECF No. 65];

WHEREAS, on October 1, 2021, defendants Atkinson, LLC, Begonia Eight, LLC, Blue Daffodil, LLC, Blue Violet, LLC, Carnation Three, LLC, Chrysanthemum Two, LLC, Dahlia Ten, LLC, Daisy Seven, LLC, Epping, LLC, Flowery Branch, LLC, Forsyth, LLC, Geranium Two, LLC, Hookset, LLC, Lilac Six, LLC, Macon, LLC, Red Begonia, LLC, Somersworth, LLC, Weare, LLC, Yellow Lotus, LLC, and Yellow Sunflower, LLC (collectively, the “Flower Defendants”) filed a motion to dismiss the Adversary Complaint [ECF No. 68];

WHEREAS, on October 1, 2021, defendant Hansen Aerospace, LLC (“Hansen”) filed a motion to dismiss the Adversary Complaint [ECF No. 71];

WHEREAS, on October 1, 2021, defendants Greg Lindberg, Academy Financial Assets, LLC, Alpine Capital, LLC, Atlas Financial Investments, LLC, Augusta Asset Management, LLC, Capital Assets Management I, LLC, Capital Assets Management II, LLC, Capital Assets Management III, LLC, CSI Interco, LLC, Eli Global, LLC, GBI Group, LLC, GBIG Capital, LLC, GBIG Holdings, LLC, Global Insurance Capital, LLC, Hampton Asset Management, LLC, Iron City Asset Management, LLC, Jackson Assets Management, LLC, Kite Asset Management, LLC, New England Capital, LLC, Parallel Capital Assets, LLC, Tybee Island Asset Management, LLC, AGH Parent, LLC, ASiM Holdings, LLC, ASL Holdings, LLC, BLH

Capital, LLC, Capital Assets Fund I, LLC, Capital Assets Fund II, LLC, Chatsworth Asset Management, LLC, Drummond Group, LLC, Dunhill Holdings, LLC, Englert Holdings, LLC, Flagship Holdings, LLC, Fortrex, LLC, Gilford Asset Management, LLC, Global Growth Holdings, Inc., Greenfield Capital, LLC, Healthlink Holdings, LLC, Integrity EMR Holdings, LLC, Integrity EMR, LLC, iTech Funding, LLC, Netherlands Insurance Holdings, Inc., NIH Capital, LLC, Sedwick, LLC, and UKAT Holdings, LLC (collectively, the “Lindberg Defendants”) filed a motion to dismiss the Adversary Complaint [ECF No. 75];

WHEREAS, on October 11, 2021, defendant Christopher Herwig filed a motion to dismiss the Adversary Complaint [ECF No. 80];

WHEREAS, on October 11, 2021, defendants Atlantic Coast Life Insurance Company and Sentinel Security Life Insurance Company (together, the “Insurance Defendants”) filed a motion to dismiss the Adversary Complaint [ECF No. 84];

WHEREAS, on November 1, 2021, defendant AAPC Holdings, LLC (“AAPC”) filed a motion to dismiss the Adversary Complaint [ECF No. 99];

WHEREAS, on December 13, 2021, Global Bankers Insurance Group, LLC (“Aspida Financial”) filed a motion to dismiss the Adversary Complaint [ECF No. 116];

WHEREAS, on December 23, 2021, Morgan Stanley Senior Funding, LLC (“Morgan Stanley”) filed a motion to dismiss the Adversary Complaint [ECF No. 123];

WHEREAS, on December 6, 2021, ULICO filed an omnibus response in opposition to the motions to dismiss filed by Hutchison, the Flower Defendants, Hansen, the Lindberg Defendants, Christopher Herwig, the Insurance Defendants, and AAPC (collectively, the “Moving Defendants”) [ECF No. 111];

WHEREAS, on January 12, 2022, ULICO filed responses in opposition to the motions to dismiss filed by Morgan Stanley [ECF No. 130] and Aspida Financial [ECF No. 131];

WHEREAS, on January 20, 2022, the Court held a case management conference on the motions to dismiss filed by the Moving Defendants, Morgan Stanley, and Aspida Financial. At the case management conference, ULICO indicated that it wished to file a motion seeking leave to file a second amended complaint;

WHEREAS, on January 21, 2022, the Court entered a scheduling order setting the deadlines with respect the motion seeking leave to file a second amended complaint;

WHEREAS, on February 25, 2022, ULICO filed a Motion for Leave to File Second Amended Complaint [ECF No. 159] (“Motion for Leave to Amend”);

WHEREAS, on March 18, 2022, Aspida Financial, Morgan Stanley, Hutchison, the Lindberg Defendants, and Atkinson filed objections to the Motion for Leave to Amend [ECF Nos. 163, 165, 166, 168, 169];

WHEREAS, on March 28, 2022, ULICO filed a reply in support of the Motion for Leave to Amend; and

WHEREAS, on April 14, 2022, the Court held a hearing with respect to the Motion for Leave to Amend the Complaint.

NOW, THEREFORE:

1. For all of the reasons set forth on the record of the hearing, the Court finds that it does not have subject matter jurisdiction with respect to the Adversary Proceeding under 28 U.S.C. §1334(b). Accordingly, the Adversary Proceeding is dismissed.

2. This Court retains jurisdiction to resolve all matters arising under or related to the interpretation, implementation, and enforcement of this Order.

Dated: New York, New York
April 15, 2022

/s/ Lisa G. Beckerman
HONORABLE LISA G. BECKERMAN
UNITED STATES BANKRUPTCY JUDGE

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re: PB LIFE AND ANNUITY CO., LTD., <i>et al.</i> , ¹ Debtors in Foreign Proceedings.	Chapter 15 Case No. 20-12791 (LGB) (Jointly Administered)
UNIVERSAL LIFE INSURANCE COMPANY, Plaintiff, v. GLOBAL GROWTH HOLDINGS, INC., <i>et al.</i> , Defendants.	Adv. Proc. No. 21-01169 (LGB)

**ORDER DENYING PLAINTIFF’S MOTION TO ALTER OR
AMEND THE JUDGMENT OF DISMISSAL UNDER RULE 9023**

Upon consideration of the *Plaintiff’s Motion to Alter or Amend the Judgment of Dismissal Under Rule 9023* [ECF No. 173] (the “Motion”), the oppositions and responses filed to the Motion [ECF Nos. 176, 177, 178, 179 & 180], and the reply filed by Universal Life Insurance Company in support of the Motion [ECF No. 181]; and a hearing having been held on the Motion on June 1, 2022;

It is hereby ORDERED as follows:

¹ PB Life and Annuity Co., Ltd., Northstar Financial Services (Bermuda) Ltd., Omnia Ltd. and PB Investment Holdings Ltd., foreign Debtors, are Bermuda limited companies which each have a registered address in Bermuda c/o Deloitte Ltd., Corner House, 20 Parliament Street, Hamilton HM 12, Bermuda, and are Jointly Administered for procedural purposes, by Order of this Court entered on April 2, 2021, Docket No. 42.

1. For the reasons set forth on the record of the hearing, the Motion is DENIED.

Dated: June 1, 2022
New York, New York

/s/ Lisa G. Beckerman
Hon. Lisa G. Beckerman
United States Bankruptcy Judge